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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/571,188

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Geoffrey H. Gorres

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EXAMINER

JOHNSON, JENNA LEIGH

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/571,188	Applicant(s) GORRES, GEOFFREY H.	
	Examiner Jenna-Leigh Johnson	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 1-25 and 39-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group claims 26 - 38 in the reply filed on January 11, 2008 is acknowledged. Claims 1 - 25 and 39 - 55 are withdrawn from consideration as being drawn to a nonelected invention.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 26 - 34 and 36 - 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber et al. (5,066,529) in view of Hamilton (5,010,589).

Huber et al. discloses a camouflage wrapping tape, which can be wrapped around objects to camouflage them (abstract). The camouflage can be applied to various objects including bows, rifles barrels, stand supports (column 1, lines 25 - 30). The tape may be made from a stretchy material, which can wrap irregular surfaces such as the elastic shirred web material described in US 3,575,782 (column 2, lines 55 - 63). The applicant teaches in the disclosure that the elastic web taught by US 3,575,782 is a self-adherent web, which sticks to itself, and not to the object it is applied to (specification, page 4, lines 1 - 5). The camouflage can be made to look like different things such as tree bark, cattail, grasses, or other oblong shapes (column 2, lines 18 - 20). The pattern can include various colors that would be in a natural background such as tan, brown, khaki, green, olive, grey and black (column 2, lines 42 - 45). And the pattern can be printed, painted, woven into the fabric, dyed or in any other way applied to the tape material (column 2, lines 65 - 68).

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Huber et al. fails to teach incorporating any active agents into the camouflage material. Hamilton is drawn to a camouflaged material for hunters (abstract). Hamilton discloses that hunters use scents applied to their clothing to attract animals (column 1, lines 5 - 8). Thus, it would have been obvious to one having ordinary skill in the art to apply scents and lures to the removable camouflaged wrap disclosed by Huber et al. to attract animals during use. The scent would correspond to the applicant's claimed active agent. Thus, claims 26 - 29, 34, and 36 - 38 are rejected.

Further, it would have been obvious to one having ordinary skill in the art to apply the scent to one or both sides of the fabric of Huber et al. so that the fabrics would be sufficiently coated with the scent and be able to attract animals during use. Thus, claims 32 and 33 are rejected.

Claims 30 and 31 are also rejected since the final product would be the same regardless of when the active agent is applied to the wrap. In other words, whether the agent is applied before or after the wrap is applied would not manipulatively effect the claimed product since both methods would produce an object camouflaged with a wrap having an active agent applied thereon.

Allowable Subject Matter

4. Claim 35 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach or fairly suggest adding a corrosion preventing compound to a self-adherent camouflage wrap.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Johnson whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlj
February 18, 2008

/Jenna-Leigh Johnson/
Primary Examiner
Art Unit 1794